

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE :  
COMMISSION, :  
: Plaintiff, : Civil Action  
v. : No. 05-11805-NMG  
: :  
RICHARD F. SELDEN, :  
: Defendant. :  
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**DEFENDANT'S ASSENTED-TO  
MOTION TO AMEND THE SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16 and D. Mass L.R. 16.1, defendant Richard F. Selden (“Dr. Selden”) hereby moves this Court to amend the current pretrial schedule in this action in order to extend by three weeks the date for completion of defendant’s expert discovery. No other deadlines are affected by the amendment requested by this motion.

This request is necessitated by the need to schedule the deposition of a non-party fact witness, which was delayed at the non-party witness’s request. The parties have conferred and plaintiff the Securities and Exchange Commission (“SEC”) assents to the relief sought herein.

WHEREFORE, Dr. Selden respectfully moves this Court to modify the current pretrial schedule in this action. A proposed form of Order is attached hereto as Exhibit A.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, Justin J. Daniels, hereby certify that counsel for the SEC assents to the relief sought by this motion.

Dated: December 12, 2007

/s/ Justin J. Daniels

Justin J. Daniels

Dated: December 12, 2007

Boston, Massachusetts

Respectfully submitted,

/s/ Justin J. Daniels

Thomas J. Dougherty (BBO #132300)

Justin J. Daniels (BBO #656118)

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Counsel for Defendant

Richard F. Selden

**CERTIFICATE OF SERVICE**

I, Justin J. Daniels, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 12, 2007.

Dated: December 12, 2007

/s/ Justin J. Daniels

Justin J. Daniels

# EXHIBIT A

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**[PROPOSED] AMENDMENT TO SCHEDULING ORDER**

The Scheduling Order entered January 13, 2006, as amended (most recently by Electronic Order of December 18, 2006), is further amended as follows, otherwise that Order shall remain in full force and effect:

1. All trial experts by defendant are to be designated and disclosure of information contemplated by Fed. R. Civ. P. 26(a)(2) by January 4, 2008; and defendant expert depositions are to be completed by February 4, 2008.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE